

Docket No.: 0030-0200P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Marcus KEEP et al.

Application No.: 09/674,092

Confirmation No.: 1549

Filed: February 27, 2001

Art Unit: 1654

For: Cerebrospinal and Vascular
Pharmaceutical Composition and
Process for Preparing the Same

Examiner: A. A. Mohamed

MISCELLANEOUS LETTER

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Remarks begin on page 2 of this paper.

REMARKS

Applicants have noticed that the USPTO has inexplicably changed the United States filing date of this Application. Applicants wish to correct this error prior to paying the issue fee and with regard to the Notice of Recordation of Assignment. Thus, we write in an attempt to rectify the situation.

The present application is the national stage of PCT/US99/04359 filed on February 26, 1999. Applicants filed a copy of the international application with the United States and fee on October 26, 2000. Applicants received a Notification of Missing Requirements under §371 on November 21, 2000, stating that the proper Oath or Declaration was not filed. Applicants were given 21 months from the priority date of the application to reply.

Applicants subsequently filed the Oath or Declaration on February 27, 2001, thereby completing the §371 requirements. (See Notification of Acceptance of Application, attached). The Official Filing Receipt (attached) reflects this date.

However, the Notice of Recordation of Assignment dated November 25, 2005, had an incorrect filing date and other errors. Applicants requested that this date be fixed in a fax dated January 1, 2006. In the Corrected Notice of Recordation of Assignment dated February 6, 2002 (attached) the other errors were fixed, but the filing date read October 26, 2002. Applicants again requested that the date be changed, however, the Corrected Notice of Recordation of Assignment dated August 1, 2008 (also attached) acknowledged the error (see page 1), but did not fix it (see page 2).

To complicate matters, the filing date on communications from the Examining Division (i.e., Office Actions) changed the filing date as well. In the communication dated November 11, 2006, withdrawing the application from Allowance after the Issue Fee was paid, the filing date is listed as October 26, 2002, for the first time. Since that date, all communications, including the Issue Fee Transmittal which was sent on June 23, 2008, have been incorrect.

Thus, Applicants submit that the incorrect filing date is USPTO error and that they have diligently attempted to correct it. Applicants respectfully request that the filing date for USPTO

clerical purposes and for §371 purposes be changed, free of charge, on all future communications to February 27, 2001.

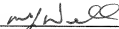
Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request that the filing date be changed, free of charge, due to PTO error, prior to the September 23, 2008 due date for payment of the Issue Fee. **The correct filing date to be recited in PTO records is February 27, 2001.**

Though Applicants do not believe a fee is required for this action, if necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: August 26, 2008

Respectfully submitted,

By 
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Attachments: Notification of Acceptance of Application
Corrected Notice of Recordation of Assignment dated February 6, 2002
Corrected Notice of Recordation of Assignment dated August 1, 2008